

News Release

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FOR IMMEDIATE RELEASE

Supreme Court protects the right of “indirect purchasers” to sue in Arizona anti-trust cases

(Phoenix, AZ – August 27, 2003) Attorney General Terry Goddard today applauded the decision of the Arizona Supreme Court that allows Arizona consumers to sue monopolists in anti-trust actions. This groundbreaking decision upholds the State statute that gives indirect purchasers in Arizona the right to claim damages against those who violate anti-trust laws.

“Illegal monopolies and price fixing conspiracies can sell to wholesalers; wholesalers sell to retailers; retailers sell to consumers,” explained Attorney General Goddard. “Under Federal law, the ultimate consumer may not seek recovery from the monopoly or any companies conspiring to fix prices since the consumer is not the ‘direct purchaser’. This decision confirms that Arizona consumers can sue as ‘indirect purchasers’. The Attorney General’s Office has always claimed authority to enforce anti-trust statutes on behalf of those consumers.”

The decision was on the consolidated cases of Bunker’s Glass Company v. Pilkington; Pilkington Libbey-Owens-Ford Co., Inc.; PPG Industries, Inc.; Ford Motor Co.; Guardian Industries Corp.; and AFG Industries Inc. and Michael R. Gray, M.D. v. Philip Morris USA Inc., R.J. Reynolds Tobacco Co.; Brown & Williamson Tobacco Corp.; Lorillard Tobacco Co.; Liggett Group, Inc.; and Brooke Group, LTD.

The Arizona Attorney General’s Office filed amicus briefs before the Supreme Court. Tim Nelson, former Anti-trust Unit Chief for the Attorney General’s Office, argued the case.